

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

California Rules of Court, rule 977(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 977(b). This opinion has not been certified for publication or ordered published for purposes of rule 977.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

ALEKSANDER KUKHARETS,

Defendant and Appellant.

A104337

**(Solano County
Super. Ct. No. 204038)**

Appellant Aleksander Kukharets appeals from his conviction by jury of two counts of second degree burglary. (Pen. Code, § 459.) His appellate counsel has raised no issues on appeal, and asks this court for an independent review of the record to determine whether there are any arguable issues. (*People v. Wende* (1979) 25 Cal.3d 436.) We find no errors or other issues requiring further briefing, and affirm.

On December 4, 2002, a felony complaint was filed, charging appellant with two counts of second degree burglary of a vehicle. On March 28, 2003, the trial court ordered the proceedings suspended, for mental examination of appellant regarding his competency, pursuant to Penal Code section 1368. The two experts appointed to examine appellant, Kathleen O'Meara, Ph.D., and Robert E. Wagner, Ph.D., both opined that appellant was competent. The proceedings were reinstated on July 15, 2003, and the matter proceeded to jury trial.

The record of the trial demonstrates that the convictions are fully supported by substantial evidence. Katherine Moriarty had parked her red 1994 Honda Civic outside her apartment in Vacaville on the evening of July 16, 2002, and locked the vehicle. The

next morning, she found the car had been broken into. The rain guard on the driver's side window was broken, the door was unlocked, the glove compartment was open, and papers and personal effects were on the floor. Sunglasses and a carton of cigarettes she had left inside the car were missing, and certain items she had left in the trunk were also missing, including flares, a blanket, a tool bag, a small hydraulic jack, and a car duster. Moriarty noticed fingerprints on the glass of the car window, which she was careful not to touch.

Officer Gregory Hultquist of the Vacaville Police Department responded to the scene, and lifted latent fingerprints from the car window. Donald Herriman, an evidence technician for the Vacaville Police Department, compared the lifted fingerprints to an automated database of fingerprints on file, and matched them to the prints on file for appellant.

On May 25th and 26th of 2002, Susan White and her husband were visiting her parents in Dixon. She parked her 1991 Honda Accord in her parents' driveway, and locked it. White left her purse in the car, under a seat. The next day, White's husband went out to the car to retrieve some items, and noticed the car was now unlocked, which he reported to his wife. White then noticed the car stereo had been stolen, and her purse containing credit cards was also gone.

White saw fingerprints on the car window, and Officer Ray Mince of the Dixon Police Department lifted the prints. Julia Dirienzo, a latent fingerprint examiner for the Solano County Sheriff's Office, matched the prints to appellant.

At trial, the defense did not present any witnesses.

The jury was then instructed, and appellant was convicted of both charges.

At sentencing, the trial court suspended imposition of sentence and granted appellant probation, on condition that he serve 360 days in jail.

Appellant was represented by counsel throughout the proceedings. He received due process and a fair hearing, and we find no legal issues that require further briefing.

DISPOSITION

The judgment of conviction is affirmed.

STEVENS, J.

We concur.

JONES, P.J.

SIMONS, J.